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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,916	12/20/2000	Franciscus Lucas Antonius Johannes Kamperman	PHN 17,841	9592

7590 08/11/2004

PHILIPS ELECTRONICS NORTH AMERICAN CORP  
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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

DATE MAILED: 08/11/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/741,916

Applicant(s)

KAMPERMAN ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1.4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 22 December 1999. It is noted, however, that applicant has not filed a certified copy of the EPO 99204469.3 application as required by 35 U.S.C. 119(b).

### *Specification*

2. The disclosure is objected to because of the specification does not adhere to the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

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- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because the claim as written is grammatically incorrect. In particular, the recitation of "... in which access system a descrambler . . and means for storing entitlements are associated to the receiver, and in which access system if a match between the entitlement identification in the entitlement control message . . ." (IA: Page 1, Lines 6-9) is grammatically incorrect. Appropriate correction is required.

#### *Information Disclosure Statement*

4. The information disclosure statement filed 17 May 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered unless otherwise indicated.

#### *Drawings*

5. The drawings are objected to because the Figure lacks labels for elements 2-10 which render it difficult to quickly ascertain the particular components. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

6. Claim 1 is objected to because the recitation of “ . . . in which access system a descrambler . . . and means for storing entitlements are associated to the receiver, and in which access system if a match between the entitlement identification in the entitlement control message . . . ” (Claim 1, Lines 5-8) is grammatically incorrect. Appropriate correction is required.
7. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite

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the claim(s) in independent form. In particular, claim 8 appears to simply restate the limitations of the receiver of claim 1.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Coutrot et al. article (of record).

In consideration of claims 1 and 8, as set forth in the instant application (IA: Page 1, Lines 1-14), the Coutrot et al. article discloses the existence of “a conditional access system for controlling the access of receivers of end-users to data transmitted from a data content source in an uplink system, said uplink system comprising a scrambler for scrambling the content supplied from the content source, an entitlement control message generator for generating entitlement control messages containing a control word and an entitlement identification, and a transmitter for transmitted the scrambled content and the entitlement control messages, in which access system a descrambler, an entitlement control message decoder and means for storing entitlements are associated to the receiver, and in which access system if a match between the entitlement identification in the entitlement control message and the entitlement of the end-user exists, the entitlement control message decoder supplies a control word to the descrambler for descrambling a part of the received scrambled

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content for which the receiver is entitled”. The Coutrot et al. article further discloses the particular method for facilitating entitlements in connection with the ordering/authorization PPV events wherein “meta-entitlement information includes an event number range” (Section 4.2 – Pay Per View) and may utilize prepaid tokens associated with pre-booked events (Section 2.2 – Management of Entitlements). The “receiver” subsequently comprises “means for extracting from the meta-entitlement an actual entitlement identification including the event selected by the end-user after which a control word from the entitlement control message is supplied to the descrambler if the entitlement identification in the entitlement control message matches the actual entitlement” (Section 6 – Information contained in Messages).

Claim 2 is rejected wherein the “meta-entitlement is transmitted in an entitlement management message to the entitled receiver” (Section 7 – Addressing Messages (EMMs)).

Claim 3 is rejected wherein the “actual entitlement is extracted from both the meta-entitlement and the entitlement control message” such that components from the both the EMM and the ECM are required to decrypt the program.

Claim 4 is rejected wherein the “meta-entitlement” further comprises a “data range” indicating its lifetime (Section 6.1 – Security Principles).

Claim 5 is rejected wherein the “meta-entitlement includes a number of allowed selections” (Section 4.2 – Pay Per View).

Claim 6 is rejected wherein the “receiver side” further comprises a “selection counter . . . set to the number of allowed selections in the meta-entitlement . . . and is decremented by each event election by the end-user (Section 4.2 Pay Per View).

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Claim 7 is rejected wherein the "event number generator" is inherently either directly or indirectly "connected to the entitlement control message generator" by the very nature that both reside at the service provider.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Wasilewski et al. (US Pat No. 6,157,719) reference discloses a cable television system and method for facilitating the delivery of entitlement management information wherein the entitlement information further comprises an event number range.
- The Bayassi et al. (WO 98/43426) reference discloses a digital television satellite system that facilitates the deliver of "meta-entitlement data" associated with pre-booked PPV events wherein such events are uniquely identified.
- The Candelore (US Pat No. 6,057,872) reference discloses a system and method for the delivery of "meta-entitlements" in the form of tokens facilitating the ordering of PPV events.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

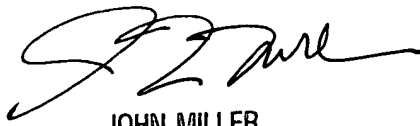


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
July 27, 2004



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